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The situation of women and girls in Afghanistan**

Report of the Secretary-General

Summary

In compliance with Economic and Social Council resolution 2004/10, the present report presents an overview of the situation of women and girls in Afghanistan in 2004, with particular focus on the new Constitution and electoral participation. It includes information on activities taken by the United Nations system in support of the work of the Government of Afghanistan towards the advancement of women and gender equality.

The report notes that while the status of women and girls has improved, overall progress has been uneven. The volatile security situation and traditional social and cultural norms continue to limit women's and girls' role in public life and deny them the full enjoyment of their rights. The massive needs in terms of reconstruction of infrastructure and strengthening of human capacity, including in the fields of education and health care, will require the sustained attention and support of national actors and the international community for many years to come.

* E/CN.6/2005/1.
** The submission of the present report was delayed due to the need for further consultations with relevant departments.

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I. Introduction

1. The present report is submitted in compliance with Economic and Social Council resolution 2004/10 on the situation of women and girls in Afghanistan, in which the Council requested the Secretary-General to report to the Commission on the Status of Women at its forty-ninth session on progress made in the implementation of that resolution.

2. The report contains information on new political, social and economic developments affecting Afghan women since the submission of the last report (E/CN.6/2004/5), with particular focus on the new Constitution and women's participation in the electoral process. It draws on information provided, inter alia, by the United Nations and its system of organizations[1] and concludes with a set of recommendations.

3. During the past few years, Afghan women have made important strides in the enjoyment of their human rights and political participation. At the normative level, the new Constitution enshrines gender equality as one principal building block of the new Afghan society. Access to education for girls has improved. Gender equality is increasingly becoming a concrete goal, guiding Government policies, development programmes and the national budget. Recognizing the powerful force for change of religious leaders, a number of United Nations system entities have successfully worked with this group, particularly in raising their support for women's and girls' access to health care and education.

4. This remarkable progress, however, is overshadowed by the persistently volatile and unstable security situation, the ongoing violence against women and girls as well as extreme poverty. Women's gains outside the main cities have been slow and uneven, and strong traditional social and cultural norms continue to prevent women and girls from fully enjoying their human rights. Moreover, years of conflict and violence have destroyed the nation's limited infrastructure, which has reduced the country's potential for further progress in almost every area of social and economic development and will necessitate the comprehensive and sustainable support of national actors and the international community for years to come.

II. Intergovernmental processes

5. Throughout the reporting period, the situation of women and girls in Afghanistan was examined in various United Nations forums, including the General Assembly, the Security Council and two functional commissions of the Economic and Social Council (the Commission on the Status of Women and the Commission on Human Rights).

6. Three reports of the Secretary-General[2] to the Security Council and the General Assembly on the situation in Afghanistan and its implications for international peace and security addressed the participation of women in the election process and pointed to the continued threats to the country's stability posed by extremist violence, factionalism and the narcotics industry.

7. The Security Council, in its resolution 1536 (2004), encouraged Afghan authorities to enable an electoral process that provided for full voter participation, including that of women and refugees. It also requested the United Nations

Assistance Mission in Afghanistan (UNAMA), with the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR), to continue to assist the Afghan Independent Human Rights Commission in the full implementation of the human rights provisions of the new Afghan constitution, in particular regarding the full enjoyment by women of their human rights.

8. The independent expert of the Commission on Human Rights on the situation of human rights in Afghanistan noted in his report (A/59/370) to the General Assembly that the human rights situation of women in Afghanistan remained of serious concern. In his report to the Commission on Human Rights at its sixtieth session (E/CN.4/2004/48/Add.2), the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living stressed the need to ensure women's rights with respect to housing and land.

III. Implementation of the Bonn Agreement

A. Berlin Conference and donor support

9. The Berlin Conference (31 March-1 April 2004) provided an important opportunity to reaffirm the goals of the Bonn Agreement, evaluate progress in implementation and decide upon a future work plan.

10. The Berlin Declaration adopted at the International Conference on Afghanistan outlined a number of commitments between the Afghan Government and the international community and stated that all efforts to build a new Afghanistan must also reflect the aspirations of the civil society that is taking root in the country and promote the participation of women according to their rights under the Constitution. At the Conference, the Afghan Government presented a work plan entitled "The Way Ahead", which proposed various actions in the areas of political rights, security, institution building, development, rule of law and human rights. In the work plan, the Government committed itself to pay particular attention to the participation of women as voters and candidates in the Afghan elections, to implement management training programmes in order to ensure that those men and women excluded from educational opportunities because of war have access to administrative positions, and to ensure that all girls and boys complete a compulsory education of nine years and are given the opportunity to continue at higher levels, with special attention paid to the inclusion of girls who have been denied access to education. In the work plan the Government expressed its commitment to ensuring that its policies and programmes promote the participation of women in all sectors. It also pledged to promote increased recruitment, guarantee equal opportunities to women in the civil service and ensure that gender perspectives are mainstreamed within all sectors, programmes and policies.

11. As a follow-up to the Berlin Conference, the Afghanistan Development Forum met in Kabul from 20 to 22 April 2004 at the ministerial level to discuss how the pledges made in Berlin could be translated into specific programmes. The meeting emphasized such cross-cutting themes as gender, human rights and the environment. Investment in security and the rule of law as prerequisites for all other activities were also emphasized. The Berlin Conference and the Afghanistan Development Forum marked the transition to medium-term planning for sustainable development, with full Government ownership and participation in the process.

B. Constitution

12. In 2003, women made up 20 per cent of the Constitutional Loya Jirga delegates. With substantial lobbying and advocacy efforts by different stakeholders, the Constitutional Loya Jirga enshrined the equality of women and men in the Constitution adopted on 4 January 2004. The new Constitution falls in line with the constitutions of other Islamic countries.

13. Under article 6 of the Constitution, the State is obliged to create a prosperous and progressive society based on social justice, preservation of human dignity, protection of human rights, realization of democracy, attainment of national unity as well as equality between all peoples and tribes and to balance development of all areas of the country. Article 7 requires the State to observe the Charter of the United Nations, inter-state agreements, as well as international treaties to which Afghanistan has joined, and the Universal Declaration of Human Rights.

14. Article 22 states that any kind of discrimination and distinction between citizens of Afghanistan shall be forbidden and that the citizens of Afghanistan, man and woman, have equal rights and duties before the law. A number of articles directly impose obligations on the State for the advancement of women. Article 44 notes that the State shall devise and implement effective programmes to create and foster balanced education for women. Article 53 requires the State to render necessary aid to women without caretakers and article 54 requires the State to adopt necessary measures to attain the physical and spiritual health of the family, especially of the child and mother and to eliminate traditions contrary to the principles of the sacred religion of Islam. Articles 83 and 84 guarantee women's representation in both houses of parliament.

15. The relationship between the sources of Afghan law, namely the Constitution, statutory law, Sharia, customary law and international norms, especially international human rights instruments to which Afghanistan is a party, is not explicitly addressed in the Constitution. It will be critical to ensure that these sources of law are applied in a manner that does not restrict women's rights. Although the Government had ratified the Convention on the Elimination of All Forms of Discrimination against Women before the Constitutional Loya Jirga, the Constitution does not include a comprehensive definition of equality and protection from discrimination on the basis of sex. Neither does it explicitly address specific protections to ensure women's rights to freely choose a spouse and to citizenship.

16. Furthermore, the Constitution does not require the Government to take the measures necessary for its implementation through legislative, administrative and judicial steps. The challenge will be to enact enabling legislation to put in place the legal and judicial systems required for the full protection of those rights guaranteed to women and girls in the Constitution and in the international treaties to which Afghanistan is a party. The composition of the judiciary and their sensitivity regarding gender equality will be crucial to individual and collective efforts to access justice and to the way women's rights are interpreted and implemented.

C. Elections

17. Under the Bonn Agreement, presidential and national assembly elections were to be held two years after the convening of the emergency Loya Jirga, that is by

June 2004. While the Constitution provided that every effort be made to enable presidential and national assembly elections to be held at the same time, the Joint Electoral Management Body decided on 9 July 2004 to hold the elections on separate dates due to a number of legal and technical issues, such as the lack of accurate census figures, the timelines for the registration of parties and candidates and the delineation of district boundaries.

18. The voter registration process began on 1 December 2003 in eight regional centres, gradually expanded to all provincial capitals and district centres and ended on 20 August 2004. A total of 10.5 million voters were registered; of these, 4 million — or 41.3 per cent — were women. The fact that women made up more than 40 per cent of all registered voters is an indication of the changes in the political climate of Afghanistan. However, women did not register evenly throughout the country. While in Dai Kundi (52 per cent) and Faryab (53 per cent), more women than men registered, in some provinces such as Oruzgan (2 per cent), Helmand (7 per cent) and Zabol (11 per cent), only small numbers of women registered. Throughout the southern region, only 21 per cent of women registered, and, in Pakistan, women made up 27 per cent of registered voters.

19. The causes of such uneven participation by women are numerous and include the overall security situation, high levels of illiteracy among women, cultural restrictions and lack of support or open hostility from male family members, time constraints due to household and family responsibilities and restricted access to information. Numerous reports were made of women being threatened when they attempted to register, often by male family members or local leaders. By election day, 12 people, including 4 women, had been killed and 33 persons had been wounded in attacks against election workers.

20. To encourage women's registration, UNAMA and the Joint Electoral Management Body took a number of steps, such as setting up separate registration centres reserved for women, hiring women registration staff and outreach efforts targeted at women voters and at raising men's understanding of women's right to vote. Special registration sites were organized in conjunction with special events such as International Women's Day. Women were also offered the choice between being photographed or fingerprinted for identification purposes. To encourage wider support for women's political participation, tribal and religious leaders played a key role by calling for women's registration. For example, as reported by OHCHR, the Ullama Shura (religious scholars council) of Kandahar issued a fatwah encouraging women's political participation, which stated: "All of us need to register our women and support the ongoing registration process. If the women of our neighbouring countries can proactively participate in elections why not the females of Afghanistan. This is the rudimentary political right of every individual to actively contribute in the upcoming election." However, despite significant efforts to hire women registration and election day staff, more men than anticipated were hired to staff both women's registration centres and polling stations due to traditional social and cultural limitations preventing women from participating in public life.

21. In March 2004, the Gender Advisory Group established the Election Task Force, chaired by the UNAMA Gender Adviser, which monitored the participation of women in the electoral process. The Election Task Force will continue its work focusing on women's participation in the national assembly election.

22. In June, the Afghan Independent Human Rights Commission and UNAMA began a process of monitoring political rights, with particular focus on violations of freedoms of expression, assembly, association and movement. The joint reports[3] noted some threats and grenade attacks against women active in the electoral process, the tearing off and defacing of campaign materials belonging to women candidates and the use of night letters that warned women, particularly election officials, to halt their work. On several occasions, the Commission was able to intervene to safeguard women's political rights.

23. The first-ever direct election was held on 9 October 2004. The Joint Electoral Management Body certified Hamid Karzai, the interim president, as the winner of the presidential election with 55.4 per cent of the vote. One woman, Masooda Jalal, a physician, ran as an independent candidate. She polled sixth with 1.1 per cent of the votes, ahead of 12 other candidates.

24. The electoral law, passed by the Cabinet in May 2004, applies to the elections of the president, the lower house, the house of elders, provincial and district councils. The Constitution provides for a minimum representation of women in both houses of parliament. According to article 83 of the Constitution, at least two women should be elected from each province with the aim of guaranteeing a minimum of 68 seats or 27 per cent for women in the lower house, which consists of 249 seats and is proportional to the population in the provinces. This provision was included in the Constitution as a result of intensive lobbying and advocacy by women in the Government and non-governmental organizations (NGOs).[4] For the house of elders, the Constitution provides in article 84 that the President appoints one third of the members, of which 50 per cent are to be women.

25. The electoral system for the national assembly elections is based on single non-transferable votes with multiple-seat constituencies, which allows candidates to run as individuals or as nominees of a political party, but does not provide for party lists. A proportional system based on party lists would be more advantageous to increasing women's representation, as the experience of many countries, including those emerging from conflict, has shown.[5]

26. The successful conduct of free and fair national assembly elections in the spring of 2005 will require an improvement in the security situation, a continued disarmament process and realistic census figures. The further registration of voters should be organized, with a special focus on provinces with low numbers of women registered and with special attention on young and newly eligible voters.

D. Ministry of Women's Affairs

27. As agreed at the Berlin Conference, the Ministry of Women's Affairs monitors progress in gender mainstreaming and leads, with the support of the Gender Advisory Group, the process of determining projects to be funded and implemented by various ministries within the framework of the national development budget. Four priority areas were identified, namely health, education, legal protection and economic empowerment. In May 2004, the Ministry of Women's Affairs assumed the secretariat function of the Gender Advisory Group.

28. To strengthen capacity for gender mainstreaming within line ministries, the Ministry of Women's Affairs conducted, with the support of the United Nations

Development Programme (UNDP), training for senior officials from the ministries of education, health, commerce, planning and justice. Training for other ministries is being planned. Furthermore, with the support of bilateral donors, a gender adviser has been placed in the Ministry of Rural Rehabilitation and Development and gender units are planned to be established in the ministries of the interior, justice, commerce, finance and labour and social affairs in 2005.

29. Since March 2003, the Ministry of Women's Affairs' role as advocate for gender equality and catalyst within the Government has been supported by UNDP and the United Nations Development Fund for Women (UNIFEM), which have posted a team of experts to the Ministry. UNDP's focus has been on strengthening the institutional capacity of the Training and Advocacy Department and the Policy and Public Relations Department, while UNIFEM's interventions have focused on the Ministry's capacity in terms of planning, development budgeting, research and statistics, foreign relations, NGO relations and cultural affairs. To strengthen gender knowledge and skills among Government officials and staff, the Ministry and Kabul University established a Gender Training Centre.

30. The Ministry of Women's Affairs continued to gradually extend its reach from Kabul to 31 provincial departments of women's affairs. The Ministry hosted two meetings with representatives of the provincial offices which addressed the role of the Ministry in the promotion and implementation of the Constitution, ways of promoting women's access to education, health and legal aid; and women's economic empowerment. UNAMA is in the process of launching a project to build the capacity of the provincial departments of women's affairs to respond to the special needs of women and girls in rural areas. In preparation for the national assembly elections, the focus of activities will be on facilitating interaction between the centre and the provinces to strengthen the political participation of women at the provincial, district and community levels. The International Organization for Migration (IOM) provided support to the Ministry's provincial offices and to the development of its own web site.[6]

31. In light of the increased areas of responsibility transferred to the Ministry of Women's Affairs, continued support in terms of funding and technical assistance is needed to enhance its capacity to fulfil its mandate and role as the national machinery for women. Increased capacity in all ministries to integrate gender perspectives would greatly complement the work of the Ministry of Women's Affairs. This would require full Government support and the adoption of an overall strategy on gender mainstreaming by the Cabinet.

IV. Overall security situation

32. Security is typically described by both the Government and the people, whether women or men, as their primary concern. The security situation remains critical, particularly outside of Kabul, and has deteriorated in some parts of the country. Many parts of the country are still under control of armed militias led by local commanders and by groups engaged in the illicit drug trade. Murder, robbery, theft, rape, kidnapping, unlawful seizure of property and other common crimes are reported to be on the rise. Women and girls are specifically affected by lack of security, since it limits their freedom of movement to reach schools, health-care facilities and work. In mostly traditionally conservative areas, at least 11 incidents

have been confirmed that have affected girls' schooling, including arson and explosive attacks. Some attacks on women government officials, journalists, potential political candidates, teachers, NGO activists and humanitarian aid workers seem to have the specific goal of intimidating them and undermining all efforts to strengthen women's status in society. Not only have Afghans been targeted, but increasingly international organizations and their staff have become targets of violence, which may affect the level of international support to the country. Fear of further attacks on humanitarian organizations led to the withdrawal of Médecins sans Frontières from Afghanistan on 28 July 2004. In the autumn, three international United Nations staff members in Kabul were abducted for nearly a month.

33. Despite the presence of the International Security Assistance Force and a nearly 15,000 soldier-strong army and 30,000 strong police, the goal of assuring sustained security to the population proved to be elusive. More than 4,000 police officers, including a small number of women, have received at least one year's training at the police academy. Efforts to recruit and train women to serve as police officers must be enhanced. Furthermore, the presence of women civilian police advisers could help increase the number of Afghan women police officers and serve as important role models. Mandatory gender sensitivity training should be provided to all police. The need for Afghanistan to have a trained and properly equipped national police force is acute, both for long-term State-building and in the context of the upcoming national assembly elections.

34. Insufficient progress has been made in the disarmament, demobilization and reintegration of factional and militia forces. At the Berlin Conference, the Government of Afghanistan committed itself to achieving the disarmament, demobilization and reintegration of no less than 40 per cent of the estimated troop strength of 100,000 Afghan militia forces as well as the cantonment of all heavy weapons under credible supervision prior to the presidential elections. As of November 2004, Afghanistan's New Beginnings Programme, supported by UNDP, reported that more than 22,000 former soldiers had been disarmed and that 88 per cent of all heavy weapons considered operational or repairable have been cantoned. The disarmament, demobilization and reintegration programme in Afghanistan has attempted to integrate gender aspects in its activities by integrating ex-combatants' families into the disarmament, demobilization and reintegration process, tailoring information campaigns to women and carrying out social impact monitoring in the communities.

35. The removal of landmines is a prerequisite for reconstruction activities, the resumption of social and economic activities and the return of refugees and internally displaced persons. Data collected by the United Nations Mine Action Centre for Afghanistan indicates that 12 per cent of the victims of mines and unexploded ordnance are women. The Centre is currently conducting a survey that will improve the information available on the impact of mines and unexploded ordnance. Survey teams will include husband and wife teams to ensure the collection of comprehensive data. Women mine risk education trainers are employed by the United Nations Mine Action Programme to reach out to women and children.

36. The Afghanistan Opium Survey 2004, released by the United Nations Office on Drugs and Crime on 18 November 2004, found that opium cultivation increased by 64 per cent compared to 2003 and spread to all of Afghanistan's provinces. Drug

exports accounted for more than 60 per cent of the 2003 gross domestic product (GDP) and continued to be a major threat to the country's stability.

37. The deterioration of the security situation must be addressed resolutely in order to ensure that women and girls are able to fully enjoy and exercise their human rights.

V. Peacebuilding and reconstruction

A. Human rights and violence against women

38. Women's full enjoyment of human rights continues to be limited due to the overall lack of security, different forms of violence, lack of a functioning law enforcement system and the dominance of social and cultural norms that discriminate against women.

39. Women and girls continue being abducted for forced marriage for debt release and as a means of dispute settlement or the cessation of blood feuds. The practice of giving young girls in marriage as a payment for so-called blood money continues to violate girls' right to life and physical integrity. Women are also victims of so-called honour crimes and death threats when they try to escape from a forced or arranged marriage. The lack of legal and social protection systems has left many women trapped in abusive situations which have caused a number of women to commit suicide or self-immolation.[7] There are also continuing reports of kidnapping of girls and forced virginity tests. The United Nations Children's Fund (UNICEF) is supporting the establishment of a nation-wide birth registration campaign, which would safeguard children's right to an identity and age and provide girls with some protection against early marriage.

40. The Afghan Independent Human Rights Commission published brochures on the Convention on the Elimination of All Forms of Discrimination against Women and posters on women's rights in the new Afghan Constitution. During the summer, the Commission conducted a survey on domestic violence interviewing over 1,000 women. This survey is the first ever of its kind and is expected to provide an overview of the magnitude of violence against women and the obstacles to overcoming it.

41. On the occasion of the International Day for the Elimination of Violence against Women on 25 November 2004, a number of events were held across the country. The Afghan Independent Human Rights Commission organized a march in Kabul with over a thousand participants, and issued a resolution condemning all forms of violence against women. The Ministry of Women's Affairs established an inter-ministerial commission to work on an ongoing basis on violence against women. The commission includes the ministries of justice, foreign affairs, the interior, hajj and religious affairs, as well as the justice reform Commission and the Supreme Court.

42. Efforts to assist women at risk of, or survivors of, violence are starting to gain roots in Kabul, Herat and Mazar-i-Sharif, where a few shelters for women are operating. The shelters also accommodate women who, because of homelessness or being single and without family support, would be at risk of abuse or violence.[8] UNIFEM created a forum for discussion on violence against women among actors

from different governmental institutions, civil society organizations, international organizations and donors. These meetings focused on issues of violence in relation to health, education, judicial institutions and research.

43. In August, the independent expert of the Commission on Human Rights visited the women's detention centre in Kabul, which held 40 women living with their children in conditions below minimum standards. He also reported that women continue being accused by spouses and male relatives of acts that do not constitute crimes under statutory Afghan laws. The charges brought against them arise out of allegations of immoral conduct, which do not constitute legal violations.[9] In some cases, women are allegedly forced to accept responsibility for crimes committed by spouses or fathers. He further indicated that the absence of detention facilities for women in the districts has led to women being confined to the personal custody of tribal leaders for acts that may not constitute legal offences. These women are sometimes forced into slave-like conditions outside the reach of the law and are reportedly subject to sexual and physical abuse.

44. According to the United Nations Office on Drugs and Crime prison reform programme, between 300 and 400 women are estimated to be held in custody out of 4,500 detainees throughout the country. The Office is involved in the physical rehabilitation of the Kabul women's detention centre and runs a social rehabilitation programme for women detainees.

45. Cases of trafficking for the purpose of forced prostitution in neighbouring countries, as well as for forced labour, were reported, including cases of kidnapping and smuggling of children. The presence, mobility and impunity of armed factions has perpetuated trafficking and prevented the protection and assistance of victims by authorities and international agencies across Afghanistan.

46. Presently, there is no anti-trafficking legislation in the existing Afghan civil and penal codes. The Ministry of Justice commenced drafting an anti-trafficking law. This law focuses, however, only on child victims. A committee chaired by the Ministry of Labour and Social Affairs has been established to address child trafficking and the commercial sexual exploitation of children. A national action plan against child trafficking was submitted to the Cabinet for approval. IOM, through its capacity-building to counter trafficking programme, continued to raise awareness and strengthen capacity in this area, including for staff in the Ministry of the Interior and the Ministry of Women's Affairs. UNICEF is conducting child rights trainings for religious leaders, police and Government officials with a focus on anti-trafficking.

47. Women returnees, widows and female-headed households face numerous obstacles to their right to adequate housing. This is mainly due to: forced eviction and the illegal occupation of land; difficulties in claiming inheritance; increased speculation on housing and land; forced marriages of widows to ensure that land and property remain within the family; and the inability to obtain access to courts.

48. To support the Government in its implementation of the Convention on the Elimination of All Forms of Discrimination against Women, the Division for the Advancement of Women of the Department of Economic and Social Affairs is preparing a two-stage capacity-building programme. This is due to start in early 2005 with consultations with high-level officials in key ministries to identify

challenges, opportunities and obligations arising from the Convention, followed by the training itself.

49. OHCHR is compiling documentation on human rights violations during the period from 1978 to 2001, which complements a national consultation process organized by the Afghan Independent Human Rights Commission. It is expected that both processes would address the past violations of women's human rights, in particular those that took place during the Taliban regime.

50. Women's inability to access the judicial system remains a challenge to addressing violations of their rights. The restrictions on movement without a male relative severely limits a woman's ability to report abuse by her family to the authorities. Other factors denying women redress for violations of their rights are: the lack of official reporting mechanisms; lack of knowledge of statutory laws by those who administer justice; insufficient understanding and sensitivity of officials towards the needs of victims; a high reliance on customary dispute resolution mechanisms; limited trust in law enforcement structures due to the long-term conflict and factional and ethnic divisions; and the perceived shame surrounding crimes of sexual violence. Victims fear for their safety if families push for police investigations.

51. In his report to the General Assembly in September 2004 (A/59/370), the independent expert of the Commission on Human Rights recommended that a comprehensive plan be developed on the rule of law, including law enforcement, prosecution, the judiciary and prisons. Such a plan would also have to ensure that women have full access to justice and that police, judges and prosecutors are trained in women's rights.

52. Limited progress has been made in strengthening Afghan women's and girls' full enjoyment of their human rights. A concerted effort and long-term strategy by the Government and civil society with support of the international community will be necessary to build a culture of respect for human rights and dignity of all Afghans and to end impunity for all forms of violence against women and girls, whether committed in the public space or within families.

B. Return of refugees and internally displaced persons

53. More than 2.7 million refugees returned through the Office of the United Nations High Commissioner for Refugees (UNHCR)-assisted voluntary repatriation between March 2002 and July 2004. Of those, some 46.5 per cent were women. Government estimates indicate that at least 2.5 to 3 million Afghans still remain outside the country, in addition to approximately 200,000 internally displaced persons in the south and the south-west of the country.

54. To integrate principles of gender equality into all areas of the work of the Ministry of Repatriation and Refugees, UNHCR has supported the creation of capacity-development advisers, including gender advisers, in the Ministry and its main departments in the provinces. Female staff of the Ministry now work alongside UNHCR staff in encashment centres, in internally displaced persons camp management, in beneficiary selection for shelter and in the referral and follow-up of extremely vulnerable returnees. UNHCR has also brought together women community opinion leaders in two peace education workshops. Within the

framework of the women's development centres, UNIFEM currently operates five centres for internally displaced persons in two provinces, which provide vocational training and literacy programmes.

55. The IOM Afghanistan Transition Initiative supports recovery, rehabilitation and political development by building citizens' confidence in the process of political and economic development, empowering citizens to address basic community needs and promoting democracy by encouraging interaction between communities and local, provincial and national government officials. IOM's Quick Impact Projects support small infrastructure projects such as water systems, road related activities, rehabilitation of government buildings, and the construction of post offices and market centres.

56. Sustained attention by different ministries and international actors to the reintegration of women and girl refugees and internally displaced persons in Afghan society is needed, while simultaneously ensuring their security, land and housing rights, health, education and income-earning possibilities.

C. Health

57. Article 52 of the Constitution requires the State to provide free preventive health care and treatment of diseases as well as medical facilities to all citizens in accordance with the provisions of law. Women's access to quality health care continues to be impeded by restrictions on movement, security concerns and an acute lack of trained female health staff. The maternal mortality rates remain very high and great variations between rural and urban areas are due to the uneven availability of and access to obstetric care. Badakhshan province still reports the highest maternal mortality rates in the world, recording 6,500 deaths per 100,000 live births. Tuberculosis is also a major killer, with 70 per cent of those affected being women. Women's vulnerability to acute depression and suicide is also high.

58. To address these challenges, the Ministry of Health has prioritized the provision of good quality and affordable health care to mothers and children. A basic package of health services has been developed, with special attention to the health of lactating mothers and newborn babies. The Ministry of Health, with support from UNICEF and NGO partners, is establishing and/or upgrading one health facility per province to perform emergency obstetric care services. Currently, 25 out of 34 provinces have such services. The United Nations Population Fund (UNFPA) has provided reproductive health kits to hospitals and NGOs working in remote areas in 22 provinces. While a number of agencies, including the World Health Organization (WHO), have supported the training of midwives and nurses in Afghanistan and neighbouring countries, the need for qualified female medical staff will remain critical for years to come. In addition, the Ministry, with the help of UNICEF and WHO, continues to implement a three-year (2003-2005) plan to eliminate maternal and neonatal tetanus. To ensure successful immunization and maternal health programmes, the Ministry and international organizations increasingly sought the support of religious leaders. To date, the vaccination programme has reached over 3 million women, largely due to the fact that the majority of those giving vaccinations are female.

59. Special attention was paid to malnutrition among women and children. The Food and Agriculture Organization of the United Nations (FAO) held workshops in

a number of provinces, including Bamiyan and Badakhshan, to improve food security, livelihoods, health and the nutrition situation. The World Food Programme (WFP), in cooperation with the Ministry of Health and other partners, started a small-scale wheat flour fortification project in Kabul, which was expanded to Badakhshan province. The introduction of flour fortification is expected to improve the health of pregnant women.

60. Many Afghan women use opium as a painkiller and tranquilizer, including for their children. The United Nations Office on Drugs and Crime, in close collaboration with UNIFEM as well as the Ministries of Health and Education, has an ongoing project focusing on drug demand reduction. Through this project, 25 women trainers from eight NGOs were trained in October 2004 on drug abuse prevention, treatment and rehabilitation.

61. There remains an urgent need to further improve the physical infrastructure of health facilities across the country and, more importantly, to enhance competency-based education and training for health professionals, including midwives, obstetricians and female doctors and nurses.

D. Education

62. Article 44 of the new Afghan Constitution calls on the State to devise and implement effective programmes to create and foster balanced education for women and eliminate illiteracy in the country. According to UNICEF, about 80 per cent of women over the age of 15 are illiterate, compared to 51 per cent of men. Girls account for 34 per cent of the total enrolment of more than 4 million children throughout the country. However, wide gender disparities persist. In many provinces, girls represent less than 15 per cent of the total enrolment. UNICEF estimates that 1.5 million girls of school age are not enrolled in classes. The security situation, distance from home and inadequate facilities are the main reasons cited by families for not sending their children, particularly their daughters, to school.

63. A significant number of girls missed up to seven years of schooling during the Taliban era and, as a consequence, had to enrol in classes with younger children, which often discouraged them from attending school at all. To provide this group of students with "catch-up" classes, in the winter of 2004, UNICEF and the Ministry of Education managed an accelerated learning programme in five provinces. More than 45,000 children, over 80 per cent of them girls, benefited from these accelerated classes. The United Nations Educational, Scientific and Cultural Organization (UNESCO) is exploring ways to strengthen the linkage between non-formal and formal education. WFP provided food aid to those attending basic literacy as well as health education classes. To increase the enrolment of girls, families are provided with a monthly oil incentive. Some 500,000 girls are targeted through the programme.

64. The increase of students has placed great strains on the school infrastructure, resulting in overcrowded classrooms with poor facilities. WFP, in cooperation with the Ministry of Education and other partners, supported through a food-for-work scheme the building of 13 schools equipped with latrines, potable water facilities and furniture.

65. The Ministry of Education, with the support of UNICEF, has developed a new curriculum, syllabuses and teacher education programmes for primary school grades, which are expected to be available in the form of new textbooks, and has improved teacher accreditation and standards in 2005. Since the shortage of female teachers remains an additional obstacle to girls' education, UNICEF organized programmes to improve the abilities of teachers. Of those participating in the programmes, about 30 per cent were women.

66. In a new initiative to overcome resistance to girls' education, UNICEF and the Ministry of Religious Affairs brought together religious leaders who had signed a declaration in 2003 setting out their commitment to promoting education for all, improving child and women's health and providing better protection for children. Since then, UNICEF has supported sensitization programmes for religious leaders at the provincial level.

67. Given the high illiteracy rates and low education levels in the country in general, further intensified efforts are needed to accelerate the building of schools in all provinces and to increase the number of qualified teachers, in particular female teachers, at all levels of education. Continued efforts are needed to overcome resistance to girls' education, increase the enrolment rates of girls and support those women and girls who were excluded from education in the past.

E. Participation in the economy

68. According to article 48 of the Constitution, work is the right of every Afghan, and Afghans are free to choose their own occupation within the limits of the provision of law. Article 50 prohibits the State from discriminatory hiring practices. The economic empowerment of women enhances women's status and agency, sustains their families and communities and contributes to the national reconstruction processes. However, the current economic status of women is characterized by limited access to credit and new technologies, a high unemployment rate and scarcity of income-generating opportunities.

69. Most women who are able to find employment do so with the Government or NGOs. At the Berlin Conference, the Government committed itself to increasing the number of women in the civil service.[10] In this context, the Ministry of Women's Affairs has developed a plan of action with the relevant Government institutions, including the Civil Service Commission, for the employment of women. To promote women's employment, UNHCR provided support in the establishment and/or rehabilitation of childcare centres for over 450 children of women government employees, in 4 provinces and with 7 different ministries.

70. Several United Nations entities, including the International Labour Organization (ILO), UNHCR, UNICEF, UNIFEM and WFP, have supported a number of income-generation, skills development and vocational training projects. These include animal husbandry, quilt-making, urban bakeries, furniture repair, knitting, tailoring and carpet-weaving. National women's NGOs also run hundreds of job-creation projects to teach women how to make and market honey, textiles, rugs, clothing, pasta, cement blocks and other products, thus contributing to their income-earning potential. However, the sustainability of small vocational training projects remains a challenge.

71. Women need more support for their products in order to gain a competitive advantage in the market. In 2003, UNIFEM launched the Afghan Women's Business Council through a partnership between women entrepreneurs and leading Afghan NGOs engaged in entrepreneurial activities. The ILO International Training Centre project on women's entrepreneurship development built capacities and developed the skills of business development service providers who target women at both the governmental and NGO levels. Some 75 Afghan women trainers, business advisers and handicraft specialists were trained in the field of enterprise development and handicraft quality improvement. The ILO microfinance for employment project provided support to three NGOs with a strong focus on women's efforts to transform their credit activities into sustainable microfinance institutions.

72. However, although women are now officially allowed to seek employment, their access to work is still impeded by lack of security, restrictions on travel and general negative views on women's participation in public life. Enhanced efforts are needed to address these challenges in order to accelerate women's access to employment, income-earning opportunities, credit and technical and professional skills training.

F. Civil society and community development

73. There is a growing number of national NGOs working on women's issues. The Ministry of Women's Affairs made efforts to bring together the main NGO coordinating bodies in Afghanistan and to foster a shared commitment to women's rights and gender equality. Recently, the Afghan Women's Network, the Agency Coordinating Body for Afghan Relief, the Afghan NGOs Coordination Bureau and the Afghan network of women councils formed the Afghan NGO Coordination Council.

74. With funding and support by UNIFEM, a number of women's NGOs have conducted awareness-raising and training programmes on women's rights and provided legal aid for women. The Afghan Women Lawyers and Professionals Association published and disseminated a book on women's rights in the constitution. The Afghan Women Lawyers Council provided training to women on the electoral registration process. The Afghan Women Judges Association provided training sessions to women judges and attorneys who were unable to practice during the Taliban regime and offered free legal counselling to women in Kabul and surrounding provinces. UNIFEM also continued its support to women's development centres at provincial and community levels.

75. The United Nations Human Settlements Programme (UN-Habitat) National Solidarity Programme strengthened community governance and supported community-led reconstruction programmes through capacity-building and training. The scarcity of basic services and infrastructure affects women as they deal with water, sanitation, fuel and waste management in their domestic chores. In its strategy to encourage women to take a leading role in the management of basic services, UN-Habitat supported the establishment of 403 women's community development councils.

76. The growing involvement of women in NGOs and community groups is an important opportunity for women to increase their role in public life. Consequently, any reports of targeted attacks and threats against women's rights advocates must be

taken seriously, and stronger measures are needed to ensure safety and to identify and bring to justice those who seek to undermine the work of women's NGOs.

VI. Coordination mechanisms

77. During the reporting period, the United Nations, donors and international NGOs have continued to support the Ministry of Women's Affairs, the Office of the State Minister for Women's Affairs and the Afghan Independent Human Rights Commission as well as local and provincial institutions. The Gender Advisory Group, which includes representatives from the Government, the United Nations, donors and civil society, promoted the mainstreaming of gender issues in the policies and programmes of various ministries. To provide a more focused and well-coordinated support to the Government, the Gender Advisory Group has undertaken an initiative to develop a national gender programme, with support from several donors, in line with the priorities of the Ministry of Women's Affairs.

78. Throughout the year, the UNAMA Gender Unit facilitated regular information and knowledge-sharing among the members of the network comprised of gender focal points in 12 United Nations agencies and provided technical assistance to individual agencies in the areas of training, gender analysis of staffing and activity reporting. The Unit continued to facilitate the mainstreaming of gender perspectives in all activities of the mission, with special attention to political processes, human rights and the rule of law. Gender focal points were created in each of the eight field offices, providing assistance to Government institutions, women's NGOs, civil society groups and United Nations agencies.

79. In line with the Secretary-General's bulletin ST/SGB/2003/13, UNAMA established a focal point and alternate focal point to receive complaints on sexual exploitation and sexual abuse.

VII. Conclusion and recommendations

80. **Despite a relatively short period since the fall of the Taliban, Afghan women made historic gains with the support of the international community. Women came to the fore of the political life in the country and contributed to the adoption of the new Constitution, which clearly affirms equality between women and men. Afghan women's achievements include growing participation in national reconstruction efforts, increased enrolment of girls in schools and advances in access to health care.**

81. **However, women's participation in peacebuilding and reconstruction continues to be jeopardized by the security situation, which limits their participation in public life, access to education and health care and opportunities in the labour market. Significant differences exist between women's and men's enjoyment of rights, including variations between regions. Without adequate security, there can be no progress in the advancement of Afghan women. The institutional mechanisms of the Government to effectively address these issues are still in formation, and the focus on gender mainstreaming in all line ministries will require a more comprehensive strategy by the Government. The international community, for its part, will need to**

continue to provide continuous funding and coordinated support for a sustainable development process.

82. The history of Afghanistan has repeatedly shown that efforts to strengthen women's status inherently carry the danger of a backlash. The full realization of the goal of gender equality will require serious engagement and political will by national and international stakeholders. The long-term viability and success of women's gains in their constitutional rights, enhanced role in political life, peacebuilding, economic and social development depends crucially on their ability to hold the Government and the international community accountable for their commitments to Afghan women and girls.

83. Gender equality remains a crucial factor for achieving sustainable peace and democracy, respect for human rights and the rule of law in Afghanistan. As the Millennium Development Goals report for Afghanistan notes, "The most important indicator of all will be the extent to which Afghanistan's development strategy centres on women."[11]

84. To strengthen further the status of women and girls in Afghanistan, the Commission on the Status of Women may wish to reconfirm earlier recommendations, most of which remain valid, and emphasize the following urgent measures:

(a) To NATO, the Afghan Government and Member States:

- **Take urgent measures to ensure the protection of civilians, particularly women and children, including through the expansion of the International Security Assistance Force outside Kabul as agreed at the Berlin Conference;**
- **Ensure women's security prior to, during and after the upcoming national assembly elections, including by adopting concrete measures for women leaders and their families;**
- **Intensify efforts for disarmament, demobilization and reintegration, paying special attention to the reintegration of ex-combatants and their families into society;**

(b) To the Afghan Government:

(i) Fully implement the Constitution and all international treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, to which Afghanistan is a party; take all necessary legislative, administrative and judicial measures at all levels for the promotion and protection of these rights; repeal all legislative and other measures that discriminate against women and girls; and organize sustained awareness-raising campaigns on the equality of women and men;

(ii) Develop a national action plan on gender equality in consultation with relevant institutions and NGOs, as required by the Beijing Platform for Action, including time-bound targets for monitoring and proposals for resource allocation;

(iii) Increase measures to strengthen women's economic empowerment and access to income-generating activities, credits, means of production, technology and resources;

(iv) Develop a long-term strategy and plan of action to strengthen the rule of law and respect for human rights; strengthen measures to end violence against women through awareness-raising, training of police, judges and prosecutors, prosecution of perpetrators and improved access for women to justice and redress mechanisms; pay particular attention to increased measures against forced marriages, including payment of "blood money" as a way of settling family debts; and develop support services for women and girl victims of violence;

(v) Prohibit the confinement of women in the custody of private individuals; release women prisoners held in State detention centres for actions that do not constitute crimes under Afghan law; and provide them with adequate support for reintegration into their communities;

(vi) Adopt a comprehensive and gender-sensitive law on trafficking in women and children and strengthen measures to prevent trafficking in women and children;

(vii) Ensure that the upcoming national assembly elections are carried out and monitored closely to ensure that women are able to register, run for office, campaign and vote;

(viii) Ensure that the Ministry of Women's Affairs has adequate human and financial resources to fulfil its mandate and role as national machinery;

(ix) Ensure the effective and equal access of women and girls to health care and education by further improving the physical infrastructure of health care and education facilities throughout the country and by enhancing education and training for health care and education professionals;

(c) To Governments, the United Nations system, donors and civil society:

(i) Encourage and support increased cooperation and coordination among all stakeholders and ensure that the necessary resources are allocated so as to maximize support for gender mainstreaming as well as targeted initiatives for women and girls;

(ii) Continue to provide financial and technical support to the Ministry of Women's Affairs and all line ministries, in order to integrate gender perspectives into their programmes and budgets;

(iii) Provide sufficient financial and technical support to the 2005 national assembly elections process in order to facilitate the full participation of women as voters and candidates;

(iv) Support the development of a long-term strategy to strengthen the judicial system according to international standards;

(v) Support measures to hold accountable those responsible for gross violations of women's human rights in the past and to ensure that full investigations are conducted and perpetrators brought to justice.

Notes

[1] Information was received from the United Nations Assistance Mission to Afghanistan, FAO, the Department of Peacekeeping Operations, ILO, IOM, OHCHR, UNDP, UNESCO, UNFPA, UN-Habitat, UNHCR, UNICEF, UNIFEM, UNODC, WFP and WHO.

[2] A/58/742-S/2004/230, A/58/868-S/2004/634, and A/59/581-S/2004/925.

[3] Afghan Independent Human Rights Commission-UNAMA Joint Verification of Political Rights, first report (15 June-7 July 2004); second report (8 July-24 August 2004); third report (24 August-30 September 2004).

[4] E/CN.6/2004/5, para. 22.

[5] Report of the Expert Group Meeting, "Enhancing women's participation in electoral processes in post-conflict countries", Glen Cove, New York, 2004, Office of the Special Adviser on Gender Issues and Advancement of Women and Department of Political Affairs (EGM/ELEC/2004 REPORT).

[6] http://www.mowa.gov.af.

[7] The criminology register of the hospital in Herat listed 56 incidents of burning between March 2003 and April 2004, of which four were men and 52 were women. Of these, 32 women died. Institute for War and Peace Reporting, "Abused women driven to suicide", 29 April 2004.

[8] See for example, "Between Hope and Fear: Intimidation and Attacks against Women in Public Life in Afghanistan", Human Rights Watch, October 2004.

[9] Both the civil and the criminal codes state that a person may be charged and convicted of crimes that are not expressedly mentioned in the formal law, but which violate Hanafi jurisprudence (i.e. Sharia law).

[10] According to 2003 data by the Central Statistics Office, 21 per cent of all permanent government employees were women.

[11] Afghanistan MDG report, March 2004 (http://www.undp.org/mdg/afghanistan/afghanistan_mdg.pdf).